

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

Intersections Inc. and Net Enforcers, Inc.,

Plaintiffs,

v.

Joseph C. Loomis and Jenni M. Loomis,

Defendants.

Civil Action No. 1:09CV597 (LMB/TCB)

**PLAINTIFFS' REPLY TO DEFENDANT'S RESPONSE TO COURT'S INQUIRY  
CONCERNING PLAINTIFFS' ALLEGED PROFFERS**

Plaintiffs Intersections Inc. and Net Enforcers, Inc. (collectively, "Plaintiffs") respectfully submit this Reply to Defendant Joseph C. Loomis' ("Loomis") "Response to Court's Inquiry Concerning Plaintiffs' Proffers of Alleged Misconduct by Defendant Joseph C. Loomis" ("Loomis' Response"), filed with the Court on March 10, 2011.

Loomis' Response was not requested nor required by the Court. Rather, it is an improper post-hearing attempt by Loomis to supplement the record, and as such, should not be considered by the Court. Although Plaintiffs disagree with most, if not all, of Loomis' contentions, Plaintiffs will not address each such contention individually herein but are prepared to do so upon the Court's request. It bears noting, however, that the first four "allegations" identified in Loomis' Response relate to the appropriateness of this Court's issuance of the Protective Order on October 30, 2009. Presumably, this is an attempt by Loomis to submit a reply to Plaintiffs' Opposition to Motion to Vacate the Protective Order to which Loomis chose not to respond before the hearing. The propriety of the issuance of the Protective Order, however, was not raised by Loomis or Plaintiffs in the briefing before or at the hearing and thus is not before the

Court. Indeed, Loomis has never challenged the Protective Order as unwarranted. He only has contended that the Protective Order does not comply with certain technical statutory requirements. Loomis' arguments on this new point thus are irrelevant. The fifth and sixth "allegations" identified by Loomis in his Response address Loomis' violation of the Protective Order. Loomis offers no new arguments or facts, but rather repeats that which he previously stated in briefs to the Court; Plaintiffs previously addressed these contentions in their papers in support of their Motion for Sanctions due to Loomis' violation of the Protective Order. Finally, Loomis' "seventh" allegation addresses Plaintiffs' Motion for Sanctions Due To Loomis' Intentional Destruction of Evidence. The "allegation" Loomis identifies, however, was not the basis for Plaintiffs' Motion, as Plaintiffs previously explained. Loomis is tellingly silent regarding the material allegations in Plaintiffs' Motion.

Loomis' post-hearing attempt to supplement the record is untimely and should not be considered by this Court. Moreover, his contention that discovery and a plenary hearing are required rings hollow. Loomis asked the Court to permit him to present live testimony at the March 4, 2011 hearing. The Court granted his request. Loomis, however, chose not to present any witnesses. His post-hearing request should be denied, if it is even considered by the Court.

Dated: March 11, 2011

Respectfully submitted,

By: /s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 11th day of March, 2011, I will electronically file the foregoing Plaintiffs' Reply to Defendant Joseph C. Loomis' "Response to Court's Inquiry Concerning Plaintiffs' Proffers of Alleged Misconduct by Defendant Joseph C. Loomis" with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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*Counsel for Defendant Joseph C. Loomis*

I further certify that I caused the foregoing Plaintiffs' Reply to Defendant Joseph C. Loomis' "Response to Court's Inquiry Concerning Plaintiffs' Proffers of Alleged Misconduct by Defendant Joseph C. Loomis" to be served via overnight mail to the following:

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*Pro Se*

\_\_\_\_\_  
/s/  
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